



## West Virginia E-Filing Notice

CC-24-2020-C-46

Judge: Patrick Wilson

**To:** Tony O'Dell  
todell@tolawfirm.com

---

### NOTICE OF FILING

---

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

Emily Calhoun Santini v. Jakob Streyle

CC-24-2020-C-46

The following complaint was FILED on 3/23/2020 5:16:20 PM

Notice Date: 3/23/2020 5:16:20 PM

Rhonda Starn  
CLERK OF THE CIRCUIT  
Marion  
219 Adam Street, Room 211  
FAIRMONT, WV 26554

(304) 367-5360  
rhonda.starn@courtsww.gov

# COVER SHEET

E-FILED | 3/23/2020 5:16 PM  
CC-24-2020-C-46  
Marion County Circuit Clerk  
Rhonda Starn

## GENERAL INFORMATION

IN THE CIRCUIT COURT OF MARION COUNTY WEST VIRGINIA

**Emily Calhoun Santini v. Jakob Streyle**

**First Plaintiff:**

☐ Business ☒ Individual  
☐ Government ☐ Other

**First Defendant:**

☒ Business ☐ Individual  
☐ Government ☐ Other

**Judge:**

Patrick Wilson

## COMPLAINT INFORMATION

**Case Type:** Civil

**Complaint Type:** Other

**Origin:**

☒ Initial Filing ☐ Appeal from Municipal Court ☐ Appeal from Magistrate Court

**Jury Trial Requested:**

☒ Yes ☐ No

**Case will be ready for trial by:** \_\_\_\_\_

**Mediation Requested:**

☐ Yes ☒ No

**Substantial Hardship Requested:**

☐ Yes ☒ No

☐ Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Other: \_\_\_\_\_

☐ I am proceeding without an attorney

☒ I have an attorney: Tony O'Dell, PO Box 11830, Charleston, WV 25339

## SERVED PARTIES

**Name:** Jakob Streyle  
**Address:** 77 Mill Fall Road, Fairmont WV 26554  
**Days to Answer:** N/A **Type of Service:** No Service

---

**Name:** Christopher Guinup  
**Address:** 205 Edison Street, Fairmont WV 26554  
**Days to Answer:** N/A **Type of Service:** No Service

---

**Name:** City of Fairmont  
**Address:** 20 Jackson St. 3rd Floor, Room 305, Fairmont WV 26555  
**Days to Answer:** N/A **Type of Service:** No Service

---

MEMORANDUM TO CLERK  
FOR INSTITUTING CIVIL ACTION

E-FILED | 3/23/2020 5:16 PM  
CC-24-2020-C-46  
Marion County Circuit Clerk  
Rhonda Starn

To the Clerk of the Circuit Court of Marion County, West Virginia

EMILY CALHOUN SANTINI, individually  
And as Executrix of the Estate of  
STEVEN GENE SANTINI, deceased,

Plaintiff,

v.

Days to  
Answer

Type of  
Service

CITY OF FAIRMONT  
c/o Kevin Sansalone, Esq.  
200 Jackson Street  
3<sup>rd</sup> Floor, Room 305  
Fairmont, WV 26555

30

SEC. OF STATE

JAKOB N. STREYLE  
77 Mill Fall Road  
Fairmont, WV 26554

20

PERSONAL

CHRISTOPHER GUINUP  
205 Edison Street  
Fairmont, WV 26554

20

PERSONAL

Defendants.

Please issue a summons in the above-styled action as indicated.

Original and 6 copies of complaint furnished herewith.

Counsel for Plaintiff

Tony L. O'Dell (WV #5770)  
Cheryl A. Fisher (WV #6379)  
Max L. Corley, III (WV #7434)  
TIANO O'DELL, PLLC  
P.O. Box 11830  
Charleston, West Virginia 25339

Date: March 23, 2020

- I. PLAINTIFF: EMILY CALHOUN SANTINI, individually and as Executrix of the Estate of Steven Gene Santini, deceased
- DEFENDANTS: City of Fairmont, Jakob Nathaniel Streyle and Christopher Guinup
- CASE NUMBER:
- II. TYPE OF CASE: Personal Injury/Wrongful Death
- III. JURY DEMAND: Yes
- CASE WILL BE READY FOR TRIAL BY: 03/2021
- IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? No

TONY L. O'DELL (WV #5770)  
TIANO O'DELL, PLLC  
P.O. Box 11830  
Charleston, West Virginia 25339

Representing: Plaintiff

Dated: March 23, 2020

Tony L. O'Dell (WV #5770)

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

**EMILY CALHOUN SANTINI, individually,  
and as Executrix of the Estate of  
Steven Gene Santini, deceased,**

**Plaintiff,**

**v.**

**Civil Action No. \_\_\_\_\_**

**Judge \_\_\_\_\_**

**CITY OF FAIRMONT, a municipal  
corporation, JAKOB NATHANIEL  
STREYLE, and CHRISTOPHER GUINUP**

**Defendants.**

**COMPLAINT**

For her complaint, Plaintiff, Emily Calhoun Santini, individually and as the Executrix of the Estate of Steven Gene Santini, states and alleges as follows:

1. Plaintiff Emily Calhoun Santini is a resident and citizen of Fairmont, Marion County, West Virginia, and is the duly confirmed and acting Executrix of the Estate of her deceased husband, Steven Gene Santini. Plaintiff's decedent, Steven Gene Santini, also was a resident of Fairmont, Marion County, West Virginia at the time of his death.

2. Defendant City of Fairmont (hereinafter "Fairmont") is a municipal corporation and political subdivision of the State of West Virginia. The City of Fairmont is located in Marion County, West Virginia and it maintains a police force.

3. Defendant Jakob Nathaniel Streyle (hereinafter "Defendant Streyle" or "Officer Streyle"), is and was at all times relevant to the events underlying this Complaint, a resident of Marion County, West Virginia. Defendant Streyle was also at all times alleged herein, and still is

to this day, employed by Defendant City of Fairmont as a police officer and he is authorized to act on behalf of the City of Fairmont.

4. Defendant Christopher Guinup (hereinafter “Defendant Guinup” or “Officer Guinup”) is and was at all times relevant to the events underlying this Complaint, a resident of Marion County, West Virginia. Defendant Guinup was also at all times alleged herein, and still is to this day, employed by Defendant City of Fairmont as a police officer and he is authorized to act on behalf of the City of Fairmont.

#### **COUNT I – NEGLIGENCE OF DEFENDANTS**

5. The Plaintiff incorporates by reference each and every allegation contained within Paragraph Nos. 1 through 4, inclusive, as if each were set forth herein verbatim.

6. At all times relevant hereto, Defendants Streyle and Guinup were acting within the scope of their respective employment with the City of Fairmont.

7. On July 10, 2019, Defendant Streyle, while on duty, was driving a marked, black and white City of Fairmont police cruiser (“police cruiser”), more specifically a 2016 RAM RTR2 pickup truck owned by the City of Fairmont, westbound on County Club Road around 1:40 pm. Defendant Streyle carelessly, recklessly, grossly negligently and/or negligently drove the police cruiser at speeds of at least 73 MPH in a residential area of Fairmont with a posted speed limit of 35 MPH without sounding the siren and/or the flashing blue emergency lights. Moreover, Defendant Streyle carelessly, recklessly, grossly negligently and/or negligently drove the police cruiser at excessive speeds even though there was no active emergency call requiring an emergency response from police officers.

8. At all times alleged herein, Officer Guinup, while on duty, was a passenger in the police cruiser being driven by Officer Streyle, and knew Officer Streyle was carelessly, recklessly,

grossly negligently and/or negligently driving the police cruiser at speeds of at least 73 MPH in a residential area of Fairmont with a posted speed limit of 35 MPH without sounding the siren, flashing the blue emergency lights, and without an active emergency call requiring an emergency response from police officers. At no time did Officer Guinup direct or take any actions to cause or encourage Officer Streyle to slow down or to at least turn his siren or flashing lights on. In fact, Officer Guinup acted in concerted tortious activity with, encouraged, ratified and sanctioned Officer Streyle's actions despite his sworn duty as a police officer to do otherwise. The actions and/or inactions of Officer Guinup were careless, grossly negligent, reckless and negligent.

9. At the same time, Steven Santini was driving his Subaru Forester southbound on Bison Street and approached the intersection of Bison Street and Country Club Road. Based on eyewitnesses, Mr. Santini stopped at the stop sign at the intersection of Bison Street and Country Club Road for a period time before preceding to make a left-hand turn onto Country Club Road.

10. After a portion of the Santini's Forester reached the eastbound lane during his attempted left hand turn onto Country Club Road, the police cruiser being driven by Officer Streyle at an excessively high rate of speed violently and brutally crashed broadside into Mr. Santini's Forester in the area of the driver's side door, causing the Forester to be flipped on its side and be propelled several yards from the point of impact where it secondarily crashed into a telephone pole and gas pipeline near the roadway. In addition, the police cruiser spun around and came to rest against Mr. Santini's Forester. The crash sequence and the damage to the vehicles involved left no doubt to even casual observers that the police cruiser was travelling a very high rate of speed when the crash happened.

11. As a result of the defendants' actions and/or inactions, Steven Santini suffered severe blunt force injuries to his body due to the severe intrusion of the police cruiser into the Forester's passenger compartment, and he died at the scene of the crash.

12. Shortly following the crash, other Fairmont police officers arrived on the scene of the crash and told at least two witnesses to the crash to leave the scene without obtaining statements.

13. Moreover, on the very day of the crash, on July 10, 2019, the City of Fairmont Police Department posted on its Facebook profile about the crash and admitted in the post that the police officers involved in the crash were not chasing a fleeing vehicle, and the police vehicle did not have its lights and sirens activated. Unfortunately, in a blatant attempt to avoid accountability for the crash, the Police Department further posted that the police vehicle "was not being operated at an excessive rate of speed. . . . An independent witness stated the civilian vehicle ran a stop sign . . ." The post about the police cruiser speed was manifestly false and no mention was made of the two eyewitnesses who confirm they were directly behind Mr. Santini's Forester waiting to turn onto Country Club Road at the time of the crash, and further confirm that Mr. Santini stopped before he made a left onto Country Club Road.

14. Following the crash, a download of the police cruiser's event data recorder, commonly referred to as the "black box", was performed by an independent accident reconstruction investigation expert and confirmed that Officer Streyle was driving the police cruiser at a speed of at least 73 MPH, and the reconstruction further confirmed that had Officer Streyle been driving the speed limit of 35 MPH, the crash would not have happened. The reason the accident reconstruction expert said the police cruiser was traveling at least 73 MPH is because the Police Department had replaced the original wheels on the police cruiser with one size larger



wheels than the cruiser came with standard. If the police department did not calibrate the speedometer and vehicle computer to take those larger wheels into consideration, it means the police cruiser was actually driving faster than the already excessive speed of 73 MPH.

15. Defendants City of Fairmont and its Police Department are liable for the negligence of its employees if those negligent acts occur within the scope of their employment.

16. Upon information and belief, the City of Fairmont carelessly and negligently failed to provide appropriate and adequate training and supervision for Officers Streyle and Guinup and other law enforcement officers relating to operating police cruisers in a reasonably safe manner under the conditions and other matters.

17. Defendant City of Fairmont and/or its Police Department owed a duty of care to the public, including Plaintiff's decedent, to exercise reasonable care in the training and supervision of police officers to which it assigned the use of cruisers which involve a high risk of serious physical harm or death unless skillfully and carefully operated with due care.

18. Defendant City of Fairmont and/or its Police Department negligently breached its duty of care in the training and supervision of Officers Streyle and Guinup.

19. The City of Fairmont is liable for Steven Santini's injuries and death which were caused by the carelessness, gross negligence, recklessness and/or negligence of Officers Streyle and Guinup as described herein.

20. As a direct and proximate result of the actions or inactions of Defendants as alleged herein, Steven Santini suffered extreme pain, suffering and death. As a further direct and proximate result of the actions or inactions of Defendants as alleged herein, each of the potential beneficiaries, as defined by West Virginia law, of Steven Santini's Estate suffered some or all of the following damages, and is therefore entitled to compensation for the same: medical, funeral

and burial expenses; a total loss of the reasonably expected services for protection, care, household services, and assistance, both past and future; the loss of income of Steven Santini, both past and future; sorrow, mental anguish and solace, including but not limited to loss of the society, companionship, comfort, guidance, kindly offices, and the advice of the decedent.

## **COUNT II – PUNITIVE DAMAGES**

(Liability of Defendants Streyle and Guinup for acts falling outside the scope of their employment or which were willful, wanton or reckless)

21. The Plaintiff incorporates by reference each and every allegation contained within Paragraph Nos. 1 through 20, inclusive, as if each were set forth herein verbatim.

22. Defendant Streyle's acts of operating the police cruiser at excessive speeds well in excess of the lawful speed limits, while possibly distracted, and his acts of operating the police cruiser in an unreasonable and dangerous manner were in reckless disregard for the safety and welfare of others, including Steven Santini, or their property. Such acts, when taken in total, rise above the level of mere negligence.

23. Defendant Guinup's acts of willfully, wantonly or recklessly providing substantial assistance, encouragement, acquiescence or cooperation in or ratification of Defendant Streyle's tortious conduct and aiding and abetting Defendant Streyle's tortious conduct was unreasonable and dangerous and committed in reckless disregard for the safety and welfare of others, including Steven Santini, or their property. Such acts, when taken in total, rise above the level of mere negligence.

24. Officers Streyle and Guinup acted in conscious disregard of, or indifference to, a known risk of harm from the aforementioned activities constituting willfulness, wantonness and/or recklessness.

25. Officers Streyle or Guinup knew, or should have known, of circumstances which

the ordinary, reasonable person would realize the highly dangerous character of their respective acts and/or failures to act.

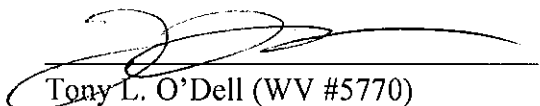
26. Officers Streyle or Guinup acted with willful, wanton, and/or reckless disregard to the natural and foreseeable consequences of their activities and disregard for Plaintiff's and Plaintiff's decedent's rights, well-being, and health and safety and, accordingly, the Plaintiff is entitled to and does seek relief in the form of punitive damages.

**WHEREFORE**, Plaintiff Emily Calhoun Santini, as Executrix of the Estate of Steven Gene Santini, demands judgment from Defendants, City of Fairmont, Officer Streyle and Officer Guinup, both jointly and severally, for compensatory damages in such sums as will adequately compensate the Estate and the beneficiaries for the claims for relief brought herein, and further demands punitive damages from Defendants Streyle and Guinup in amounts to be determined by the jury, which said sums are well in excess of the minimum jurisdictional requirements of this Court, and for such other relief as may be proper under the law.

**PLAINTIFF DEMANDS A TRIAL BY JURY.**

**EMILY CALHOUN SANTINI,  
individually, and as Executrix of the  
Estate of Steven Gene Santini,**

**By Counsel**



Tony L. O'Dell (WV #5770)  
Max L. Corley, III (WV #7434)  
TIANO O'DELL, PLLC  
Post Office Box 11830  
Charleston, WV 25339  
(304) 720-6700  
*Counsel for Plaintiff*